

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DONNA WOOD, ET AL., individually and on
behalf all others similarly situated,

Plaintiffs,

v.

MIKE BLOOMBERG 2020, INC.,

Defendant.

No. 20 Civ. 2489 (LTS) (GWG)

Judge: Hon. Laura T. Swain

Magistrate Judge: Hon. Gabriel W. Gorenstein

**DECLARATION OF JUSTIN M. SWARTZ IN SUPPORT OF PLAINTIFFS'
REPLY IN SUPPORT OF PLAINTIFFS' MOTION TO SUBSTITUTE**

I, Justin M. Swartz, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a partner at the firm of Outten & Golden LLP in New York, NY. I am admitted to practice before this Court. Along with lawyers from Shavitz Law Group, P.A., I am one of the lawyers primarily responsible for prosecuting Plaintiffs' claims on behalf of the collective.

2. I make this declaration in connection with Plaintiffs' Motion to Substitute Class Representative. I have personal knowledge of the matters set forth herein and would so testify if called as a witness at trial.

Substituting the Wisconsin Class Representative is Appropriate.

3. Bloomberg deposed Plaintiff Robinson on November 1, 2022.

4. Plaintiff Robinson's deposition was difficult and involved profanity. On the same day, after the deposition was over, I called Elise Bloom, lead counsel for Bloomberg, and apologized for Plaintiff Robinson's conduct.

5. Following Plaintiff Robinson's deposition, he decided, in consultation with

counsel, that it would be in the best interests of the class to withdraw as the Wisconsin class representative.

6. Bloomberg has taken more than a dozen depositions of Plaintiffs and Opt-in Plaintiffs. None have testified that they performed work for another campaign while also working for Bloomberg.

7. Plaintiff Robinson has fully participated in discovery. He responded to written discovery in October 2020 and has produced over 200 documents, including correspondence, resumes, job applications, and others. Defendant's claimed document deficiencies concern a search for text messages that Plaintiff Robinson sent (and Bloomberg destroyed, in Spring 2020) on his Bloomberg-issued cell phone, a single social media post of a photograph of Robinson with Michael Douglas's son at a campaign event, and an additional version of a LinkedIn profile that Robinson already produced and is publicly available, as well as irrelevant documents regarding Robinson's conviction history to which Plaintiffs have objected. While Robinson is no longer willing or able to serve as a Wisconsin class representative, he has undertaken these additional searches (with the exception of documents related to his conviction history).

8. In connection with the parties' conferrals regarding a discovery extension, Plaintiffs contacted Bloomberg to discuss a discovery extension on December 5, 2022.

9. During that meet-and-confer, Plaintiffs' Counsel cited the following reasons for an extension: (1) that Defendant had produced tens of thousands of documents in late November and early December, which Plaintiffs needed additional time to review; (2) that Defendant had postponed a key deposition until late January, the final week of the discovery schedule, which would have precluded Plaintiffs' from pursuing follow-on discovery; (3) that Plaintiffs may notice other depositions; (4) that Plaintiffs intended to seek additional affirmative discovery; (5)

Defendant's insistence, under threat of litigation, that all of its 17 affirmative depositions occur in late October through early December; and (6) the time and resources required during this period by motion practice (quashing Defendant's overbroad subpoena and re-litigating the already-decided motion to dismiss).

10. Only after these reasons did Plaintiffs' Counsel additionally request agreement to the extension as a professional courtesy in light of trial preparation and the holiday period.

11. When Plaintiffs sent Defendant a draft letter to the Court regarding the discovery extension, Defendant refused to consent to the request unless Plaintiffs limited its reasons for the extension to Plaintiffs' competing trial demands and the holiday period.

12. Bloomberg voluntarily and unprompted by Plaintiffs produced the email inboxes of 25 additional Field Organizers as part of its ESI production in November-December 2022.

* * *

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Dated: March 3, 2023
New York, NY

/s/ Justin M. Swartz
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